

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.04 CV 10746 JLT

IVAN SANTIAGO,  
Plaintiff

v.

WILLIAM J. FEENEY and  
MARCUS EDDINGS,  
Defendants

**DEFENDANT WILLIAM FEENEY'S MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT UNDER FED.R.CIV.P. 12(C)**

The Defendant, William Feeney, moves this Court to dismiss Plaintiff's complaint because due to the Court's (Tauro, J.) grant of partial summary judgment, there is no theory of supervisory liability for which Feeney can be held liable.

Respectfully submitted,

DEFENDANTS WILLIAM J. FEENEY  
William F. Sinnott  
Corporation Counsel

By his attorneys:

/s/ Thomas Donohue  
Thomas Donohue, BBO #643483  
Helen G. Litsas, BBO# 644848  
Assistant Corporation Counsel  
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Dated: October 30, 2006

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that on October 30, 2006, as counsel for the Defendant, I communicated with Jessica Hedges, counsel for the plaintiff, regarding the above motion but we were unable to narrow the issue.

/s/ Thomas Donohue  
Thomas Donohue

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 30, 2006.

/s/ Thomas Donohue  
Thomas Donohue